

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 15550US02)**

<i>In the Reissue Application of:</i> John T. Bretscher	<i>Examiner:</i> Ajay M. Bhatia
<i>Application No.:</i> 10/821,833	<i>Group Art Unit:</i> 2445
<i>Filed:</i> April 9, 2004	<i>Confirmation No.:</i> 1417
<i>For:</i> COMPUTER SYSTEM ARCHITECTURE AND METHOD FOR MULTI-USER, REAL-TIME APPLICATIONS	<i>Express Mail Label No.</i>
<i>Original Patent:</i> 6,370,564	<i>Date of Express Mailing</i>

Mail Stop: Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. 1.131)**

Dear Examiner Bhatia:

1. This declaration is to establish prior invention in the United States at a date prior to 21 March 1996, the effective date of U.S. Patent No. 5,828,843 (Grimm et al.) that was cited by the Examiner in the preceding Office Action.

2. The person making this declaration is the inventor named in the above-identified patent application.

3. I have an interest in a corporation which is in a corporate family that owns the above-referenced patent application as part of a portfolio, and I would receive some compensation attributable profit from the portfolio.

4. The above-referenced patent application is directed to work I did while I was an employee of Ameritech, as evidenced by the Invention Data Sheet previously filed.

5. Employees, such as myself, of Ameritech do not usually work on weekends or holidays.

6. As an employee of Ameritech, I worked with Brinks Hofer Gilson & Lione (BHGL) on drafts for patent application Ser. No. 08/661,428 (Patent Application), which led to U.S. Patent No. 6,370,564, the subject of this reissue application. Mail communications between myself and BHGL took longer than same-day delivery, and after I received each draft for the Patent Application from BHGL, I would review the draft and communicate my comments to BHGL.

7. So far as I am aware, and after consulting with John Rauch of BHGL in 2010, prior drafts for the Patent Application from a date prior to 21 March 1996 to the filing date of the Patent Application (Time Period) do not seem to survive.

8. However, changes to drafts for the Patent Application during the Time Period are known and corroborated by correspondence between myself and the patent attorney Natalie D. Kadievitch of BHGL, who was handling the patent application.

9. As shown in an attachment hereto, Ms. Kadievitch sent a draft for the Patent Application to me on May 15, 1996, and as shown on the facsimile coversheet of this attachment, the number of pages (30) is the same as the number of pages in the Patent Application as filed (not counting the figures in either the application or the draft). This is the version of the Patent Application which was filed.

10. Prior to this draft, I sent to Ms. Kadievitch my comments on a fax dated 05-03-96 shown, as attached hereto. As can be seen from the comments themselves, my comments are not directed to the subject matter at issue in the reissue application and instead are made in connection with distinguishing from prior art, as were all of my comments during this Time Period.

11. These comments were made in response to the draft for the Patent Application which Natalie D. Kadievitch sent to me on March 15, 1996, as evidenced by another attachment hereto. As shown by the communications attached hereto, in view of the time records previously filed, changes made to these drafts reflected characterizations with respect to the prior art discussed in Figures 1-5 of the Patent Application, except perhaps and if at all, for minor wording tweaks and punctuation not relevant to the substance of that portion of the Patent Application which followed the discussion of the prior art.

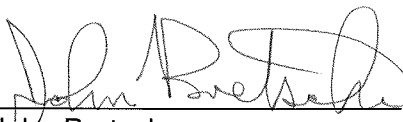
12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: September 17, 2010

Residence: U.S.A.

Citizenship: U.S.A.


John Bretscher
515 Division St.
Elgin, IL 60120
U.S. Citizen

**Facsimile
Transmittal****Your Link to a Better Life****Date:** 05-03-96**Number of Pages:** 2
(Incl. cover sheet)**TO:****Name:** Natalie Kadievitch**Location:** _____**Phone No.** (312) 321-4275**Fax No.** (312) 321-4299**FROM:****Name:** John Bretscher**Location:** 2c 65a**Phone:** (847) 248-5456**Fax:** (847) 248-6043

Comments: Natalie: Although short, the enclosed write-up may have
all the detail we need, including some important advantages
of the invention. Thanks!

A handwritten signature in dark ink, appearing to read "John Bretscher", is written over a horizontal line.

There are computers whose internal architecture resembles the invention, at least on first inspection. These machines have several processors connected together either via a bus, similar in this application to a LAN, or via a switch (see IBM SP2, Sequent). By adding processors, the computer can spread out work and handle more and larger applications than a single-processor computer could.

While the invention may resemble these machines in some ways, its essence is fundamentally different. The invention runs as a community of communicating processors while the multi-processor machines act like a monolithic server, but one with more processing capacity. Going to the internals, the processors in the multi-processor machine are all identical (or nearly so) while in the invention the processors can be of wildly disparate types. Thus the invention allows each application developer to write to whatever architecture she feels is most suitable. Also, the heterogeneous nature of the processors guards the invention against the future obsolescence of one chosen processor architecture. These comments also apply to the operating system: in the multi-processor machines there is one operating system running everything while each processor in the invention can run whatever OS an application developer desires. As with the hardware architecture, this is proof against obsolescence, allows each developer the opportunity to work with the most appropriate OS, reduces the cost to port an application to the invention, and does not force the developers to learn a new architecture with which few of them are presently familiar.

FACSIMILE COVER SHEET

May 15, 1996

BRINKS
HOFER
GILSON
& LIONE

To: John Bretscher
Fax No: 1-847-248-6043

From: Natalie D. Kadievitch
Tel. No: 312-321-4275

Client No: 823/211

No. of Pages
(inc. this page): 30

Confirmation Copy To Follow: Yes ☐ No ☒

IF YOU HAVE ANY PROBLEMS RECEIVING THIS MESSAGE,
PLEASE CALL 312-321-4200 AND ASK FOR: Billie Stefanovic

A PROFESSIONAL CORPORATION
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COVER MESSAGE:

Dear John:

A copy of the latest draft. I have not included the drawings and ask if you could send me a clean new set of drawings.

Natalie

03/15/1996 Send draft patent application to Inventor.

04/01/1996 Revising patent application.

04/10/1996 Telephone communication to Inventor.

04/15/1996 Reviewing comments from Inventor on draft application.

04/18/1996 Reviewing Inventor's comments on patent application;
meeting with Inventor to discuss comments.

05/03/1996 Receive comments from Inventor for revising patent
application.

05/06/1996 Revising patent application.

05/13/1996 Revising patent application.

05/15/1996 Forwarding patent application to Mr. Bretscher.

05/16/1996 Reviewing application.

05/17/1996 Reviewing draft patent application per Mr. Bretscher's
comments.

06/03/1996 Send final patent application to Inventor.

06/11/1996 File patent application.

Natalie D. Kadievitch
312-321-4275

WILLIAM
BRINKS
HOFER
GILSON
& LIONE

March 15, 1996

4/10/96 - left a
voice mail
message.

VIA FACSIMILE
708-248-6043

Mr. John Bretscher
Ameritech
Room 2C65a
2000 West Ameritech Center Drive
Hoffman Estates, IL 60196

**Re: New Patent Application for "Computer System Architecture and
Method for Multi-User, Real-Time Applications"
Our Ref. No. 823/211**

Dear John:

Enclosed is a draft of a proposed patent application covering the above-identified invention, along with a copy of the drawings.

Please review the application and the drawings carefully and determine whether the invention has been defined in the best possible manner.

In reviewing the application, it should be kept in mind that the Patent Laws require that the application contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise and exact terms as to enable any person skilled in the pertinent art to make and use the invention. The Patent Laws also require that the application set forth the best mode contemplated by him for carrying out the invention. If you feel that the application does not meet these requirements, please make the changes or additions necessary to comply with them.

You should be aware that the Rules of the Patent and Trademark Office place a duty of candor and good faith toward the Patent and Trademark Office on the inventors and on all other persons

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Mr. John Bretscher
March 15, 1996
Page 2

substantively involved in the preparation and prosecution of the application. This duty includes a duty to disclose information which is material to the examination of the application, i.e., where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

In order to comply with this duty, you should disclose to us any information of which you are aware which you have any reason to believe may be material to the examination of the application. If it is pertinent, we will then disclose this information to the Patent and Trademark Office.

Please call after you have had a chance to review the application.

Sincerely yours,

A handwritten signature in cursive script that reads "Natalie D. Kadievitch /bs".

Natalie D. Kadievitch

NDK:bs
Enclosures

TIMEKEEP	CLIENT_ID	MATTE	TRANS_DATE	HOURS	AGREED_VALUE	NARRATIVE	INVOICE_NO	INVOICE_PERIOD
0244	00823	00211	08/03/1995	0.10	15.50	TELEPHONE CONFERENCE WITH MR. BRETSCHER RE INVENTION DISCLOSURE;	78838	1995-09
0244	00823	00211	08/04/1995	0.50	77.50	TELEPHONE CONFERENCE WITH MR. BRETSCHER RE MULTIPLE USER REAL-TIME APPLICATIONS;	78838	1995-09
0244	00823	00211	08/08/1995	1.00	155.00	REVIEWING MR. BRETSCHER'S DISCLOSURE;	78838	1995-09
0244	00823	00211	08/13/1995	0.75	116.25	REVIEWING MR. BRETSCHER'S REVISED DISCLOSURE MATERIALS;	78838	1995-09
0244	00823	00211	08/14/1995	0.50	77.50	TELEPHONE CONFERENCE WITH MR. BRETSCHER AND MS. PETERSON RE MULTI-USER REAL-TIME COMPUTING ARCHITECTURE;	78838	1995-09
0244	00823	00211	08/15/1995	1.25	193.75	TELEPHONE CONFERENCE WITH MR. BRETSCHER; PREPARING SEARCH REQUEST; REVIEWING DISCLOSURE MATERIALS;	78838	1995-09
0244	00823	00211	08/18/1995	2.50	387.50	CONFERENCE AT AMERITECH WITH MR. BRETSCHER AND MS. PETERSON RE MULTI-USER REAL TIME COMPUTING ARCHITECTURE;	78838	1995-09
0244	00823	00211	09/11/1995	1.00	170.00	REVIEWING PATENTS FROM SEARCH RESULTS;	79663	1995-10
0244	00823	00211	09/12/1995	0.30	51.00	FORWARDING SEARCH RESULTS TO MR. BRETSCHAR;	79663	1995-10
0244	00823	00211	09/25/1995	1.00	170.00	REVIEWING SEARCH RESULTS;	79663	1995-10
0244	00823	00211	09/28/1995	0.50	85.00	REVIEWING PATENTABILITY SEARCH RESULTS;	79663	1995-10
0244	00823	00211	09/29/1995	0.50	85.00	REVIEWING PATENTABILITY SEARCH RESULTS;	79663	1995-10
0244	00823	00211	10/03/1995	1.50	255.00	REVIEWING SEARCH RESULTS; TELEPHONE CONFERENCE WITH MR. BRETSCHER;	81063	1995-11
0244	00823	00211	10/04/1995	0.75	127.50	REVIEWING SEARCH RESULTS;	81063	1995-11
0247	00823	00211	10/05/1995	0.50	85.00	CONFERRING RE PATENT APPLICATION, SEARCH RESULTS AND STRATEGY;	81063	1995-11
0244	00823	00211	10/05/1995	1.00	170.00	REVIEWING SEARCH RESULTS;	81063	1995-11

0244	00823	00211	10/06/1995	2.00	340.00 PREPARING FOR TELEPHONE CONFERENCE; TELEPHONE CONFERENCES WITH MR. BRETSCHER AND MS. PETERSON;	81063	1995-11
0247	00823	00211	10/06/1995	1.75	297.50 ATTENDING CONFERENCE CALL WITH INVENTOR; CONFERRING RE SEARCH STRATEGY, ETC.; COMMUNICATING WITH CLIENT;	81063	1995-11
0247	00823	00211	10/16/1995	0.25	42.50 INQUIRING ABOUT EXPANDED SEARCH;	81063	1995-11
0247	00823	00211	10/17/1995	2.50	425.00 COMMUNICATING WITH MR. BRETSCHER RE EXPANDED SEARCH REQUEST; DRAFTING EXPANDED SEARCH REQUEST; REVIEWING ADDITIONAL DISCLOSURE FROM MR. BRETSCHER;	81063	1995-11
0247	00823	00211	10/18/1995	0.75	127.50 REVIEWING LETTER FROM MR. BRETSCHER; REVISING PATENTABILITY SEARCH REQUEST; DRAFTING LETTER TO MR. BRETSCHER TRANSMITTING SAME;	81063	1995-11
0247	00823	00211	10/19/1995	0.25	42.50 REVISING LETTERS TO MR. BRETSCHER;	81063	1995-11
0247	00823	00211	10/20/1995	0.50	85.00 COMMUNICATING WITH MR. BRETSCHER RE SEARCH REQUEST; INITIATING PATENTABILITY SEARCH REQUEST;	81063	1995-11
0247	00823	00211	10/24/1995	0.50	85.00 COMMUNICATING WITH MR. BRETSCHER; CONFERRING RE SAME;	81063	1995-11
0244	00823	00211	11/06/1995	2.00	340.00 REVIEWING SEARCH RESULTS FOR TOMMOROW'S TELEPHONE CONFERENCE;	82320	1995-12
0244	00823	00211	11/14/1995	0.25	42.50 CORRESPONDING WITH CLIENT RE SEARCH RESULTS;	82320	1995-12
0244	00823	00211	11/16/1995	1.50	255.00 REVIEWING PATENTABILITY SEARCH RESULTS;	82320	1995-12
0244	00823	00211	01/12/1996	2.50	425.00 PREPARING FOR MEETING WITH MR. BRETSCHER; MEETING WITH MR. BRETSCHER;	84539	1996-02
0244	00823	00211	01/15/1996	2.50	425.00 PREPARING PATENT APPLICATION;	84539	1996-02
0244	00823	00211	01/17/1996	2.00	340.00 PREPARING PATENT APPLICATION;	84539	1996-02
0244	00823	00211	01/22/1996	4.50	765.00 PREPARING PATENT APPLICATION;	84539	1996-02